

KCIRC Response to Public Charge Rule Changes

On August 14, 2019, the Department of Homeland Security published the [“Inadmissibility on Public Charge Grounds”](#) rule. This rule is slated to take effect on October 15, 2019, but several lawsuits have already been filed and a bill ([H.R. 3222](#), No Federal Funds for Public Charge Act of 2019) has been introduced to defund the implementation of the Public Charge rule.

Immigration officials have long used the “public charge test” to determine whether certain immigrants should be allowed to enter the U.S. and/or become lawful permanent residents. The test essentially attempts to predict whether these immigrants will likely become dependent on government assistance for their main source of support, and factors in whether a person has used certain benefit programs including long term care and cash assistance (e.g., Supplemental Security Income (SSI)), Temporary Assistance to Needy Families (TANF), and state-funded Aged, Blind, and Disabled (ABD) benefits.

If the new Public Charge rule goes into effect, immigration officials will consider a person’s use of these *additional* public programs:

- 1) Federally-funded health care (Medicaid), but these exceptions **will not be considered** –
 - a. Emergency Medicaid Services (known as AEM or AMP in Washington state);
 - b. All federally-funded health care for children under 21 years old;
 - c. All federally-funded health care for pregnant persons including 60 days postpartum;
 - d. The Children’s Health Insurance Program (CHIP);
 - e. Subsidies for health insurance obtained through marketplaces such as the Washington Health Benefit Exchange;
 - f. Health care that is funded entirely by State or local government.
- 2) Federally-funded food assistance (Supplemental Nutrition Assistance Program or SNAP, EBT or food stamps), but these exceptions **will not be considered** –
 - a. School lunches;
 - b. Food banks;
 - c. WIC (Special Supplemental Nutrition Program for Women, Infants, and Children);
 - d. Food assistance that is funded entirely by State or local government.
- 3) Federal public housing and section 8 assistance, **but not** shelters or other housing services funded entirely by State or local government.

Immigration officials will not consider use of services not listed in the Public Charge rule. Also, the rule will not apply to immigrants who submit their applications for visas or to become lawful permanent residents prior to October 15, 2019.

KCIRC is aware that the Public Charge rule creates confusion and may discourage people from accessing important benefits that are vital to their health and well-being. **Before deciding to stop or not access government benefits, please consult an immigration attorney.** Legal resources can be found [here](#).